

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA §
§
v. § CRIMINAL NO. 4:07CR81 MAC/DDB
§
EDWIN AVELINO TURCIOS (2) §

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on November 16, 2015 to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Heather Rattan.

On March 20, 2008, Defendant was sentenced by the Honorable Marcia A. Crone, United States District Judge, to a sentence of 97 months imprisonment followed by a 5-year term of supervised release for the offense of Conspiracy to Distribute or Dispense or Possess with Intent to Distribute or Dispense Methamphetamine. Defendant began his term of supervision on April 3, 2014.

On October 15, 2015, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 172). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Immediately upon release of confinement, Defendant shall be surrendered to a duly authorized immigration official for deportation proceedings in accordance with the established procedures provided by the Immigration and Nationality Act, 8 U.S.C. § 1101, *et seq.*

If ordered Deported, Defendant shall remain outside of the United States. In the event Defendant is not deported, or for any reason re-enters the country after having been deported, Defendant shall comply with all conditions of supervised release, to include reporting to the nearest U.S. Probation Office within 72 hours of their release by immigration officials or re-entry into the country.

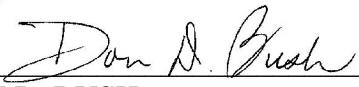
The Petition alleges that Defendant committed the following violations: (1) On or about October 2, 2015, Defendant was arrested by the U.S. Border Patrol near Laredo, Texas, for illegal entry into the United States. Defendant is currently in ICE custody and is awaiting deportation; and (2) Defendant failed to remain outside the United States as evidenced by his arrest on October 2, 2015, for illegal entry into the United States.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the November 16, 2015 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of six (6) months, with fifty-four (54) months supervised release to follow.

SIGNED this 12th day of December, 2015.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE